

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the
Western District of Texas

FILED

JAN 28 2025

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY KE
DEPUTY CLERKUnited States of America
v.
Juan LOPEZ
Brandon GARCIA

Case No.

EP-25-M-369-RFC(1)(2)

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 25, 2025 in the county of El Paso in the
Western District of Texas, the defendant(s) violated:

Code Section

Title 18, United States Code,
Section 922(a)(6)

Offense Description

Knowingly making false statement in connection with purchase of a Firearm

This criminal complaint is based on these facts:

See Attached Affidavit

☒ Continued on the attached sheet.Oath Telephonically Sworn
At 1:11 PM
Fed.R.Crim.P.4.1(b)(2)(A)

Sworn to before me and signed in my presence.

Date:

1/28/2025

City and state:

El Paso, TXKelvyn Valdovinos

Complainant's signature

Kelvyn Valdovinos, ATF Special Agent

Printed name and title

Judge's signature

Robert F. Castaneda, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

Your affiant, Kelvyn Valdovinos, first being duly sworn, does hereby depose and state as follows:

1. Your affiant is a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and has been so employed since May 6, 2024. Your affiant has received specialized training regarding the investigation and enforcement of Federal Firearms violations and has conducted investigations regarding individuals involved in illegal firearms activities. Prior to your affiant's employment as an ATF Special Agent, your affiant was a Border Patrol Agent with Customs and Border Protection for almost four years, one of the years consisted of being a member of the El Centro Border Patrol Sector Intelligence Unit, investigating various Federal and California state violent crimes, along with extensive surveillance training. Your affiant has law enforcement training and experience in firearm trafficking, drug trafficking, methods of drug consumption, and methods of communications and slang used while trafficking drugs and firearms. Your affiant makes this statement based on his own investigation, records review, interviews with the suspect, and information provided by other law enforcement officers to your affiant. Because this affidavit is submitted for the limited purpose of securing an arrest warrant, it does not purport to contain everything known to your affiant about this investigation.
2. Title 18, United States Code, Section 922(a)(6) states it shall be unlawful for any person in connection with the acquisition or attempted acquisition of any firearm or ammunition from a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, knowingly to make any false or fictitious oral or written statement or to furnish or exhibit any false, fictitious, or misrepresented identification, intended or likely to deceive such importer, manufacturer, dealer, or collector with respect to any fact material to the lawfulness of the sale or other disposition of such firearm or ammunition under the provisions of this chapter.
3. A Firearm means any weapon "including a starter gun" which will, or is designed to, or may be readily converter to expel a projectile by the action of an explosive. The frame or receiver of any such weapon. Any firearm muffler or firearm silencer or any destructive device. Ammunition includes ammunition, cartridge cases, primers, bullets, or propellant powder designed for use in any firearm.
4. On January 25, 2025, your affiant, while working undercover at an El Paso Gun Show in the city and county of El Paso, located within the Western District of Texas, observed Juan LOPEZ walk into the gun show accompanied by other suspects and, at the direction of another person, purchase a Draco AK-style pistol. LOPEZ left the gun show and returned to buy two Glock pistols moments later.

5. ATF agents and local and state law enforcement assigned to outside surveillance of the gun show witnessed co-defendant Juan LOPEZ give Andy Daniel MADRIGAL MONTENEGRO money after LOPEZ purchased the firearms.
6. LOPEZ was subsequently arrested by ATF agents and, during a custodial recorded where LOPEZ was given his Miranda rights he admitted to being recruited by an individual to purchase firearms at the gun show. LOPEZ admitted agreeing to do the firearm purchases in exchange for \$100.00 USC per firearm. LOPEZ admitted to knowing the firearms were going to a third-party individual.
7. LOPEZ completed an ATF Form 4473 "Firearms Transaction Record", in order to purchase the firearms. LOPEZ answered "YES" on the ATF Form 4473 Section B.21.a, which states "Are you the actual transferee/buyer of all the firearm(s) listed on this form and any continuation sheet(s) Warning: You are not the actual transferee/buyer if you are acquiring any of the firearm(s) on behalf of another person. If you are not the actual transferee/buyer, the licensee cannot transfer any of the firearm(s) to you." In Section B.22 LOPEZ signed his name attesting to the ATF Form 4473 statement "I certify that my answers in Section B are true, correct, and complete. I have read and understand the Notices, Instructions, and Definitions on ATF Form 4473. I understand that answering "yes" to question 21.a. if I am not the actual transferee/buyer is a crime punishable as a felony under Federal law and may also violate State and/or local law. I understand that a person who answers "yes" to any of the questions 21.b. through 21.l. as well as 21.n is prohibited from receiving, possessing, or purchasing a firearm."
8. Your affiant has consulted with an ATF Interstate Nexus Expert who has advised your affiant that all firearms involved in this case have traveled in or affected interstate and/or foreign commerce.
9. In light of the above, your affiant submits that probable cause exists to arrest Juan LOPEZ for violations of Title 18, United States Code, Section 922(a)(6).

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

Your affiant, Kelvyn Valdovinos, first being duly sworn, does hereby depose and state as follows:

1. Your affiant is a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and has been so employed since May 6, 2024. Your affiant has received specialized training regarding the investigation and enforcement of Federal Firearms violations and has conducted investigations regarding individuals involved in illegal firearms activities. Prior to your affiant's employment as an ATF Special Agent, your affiant was a Border Patrol Agent with Customs and Border Protection for almost four years, one of the years consisted of being a member of the El Centro Border Patrol Sector Intelligence Unit, investigating various Federal and California state violent crimes, along with extensive surveillance training. Your affiant has law enforcement training and experience in firearm trafficking, drug trafficking, methods of drug consumption, and methods of communications and slang used while trafficking drugs and firearms. Your affiant makes this statement based on his own investigation, records review, interviews with the suspect, and information provided by other law enforcement officers to your affiant. Because this affidavit is submitted for the limited purpose of securing an arrest warrant, it does not purport to contain everything known to your affiant about this investigation.
2. Title 18, United States Code, Section 922(a)(6) states it shall be unlawful for any person in connection with the acquisition or attempted acquisition of any firearm or ammunition from a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, knowingly to make any false or fictitious oral or written statement or to furnish or exhibit any false, fictitious, or misrepresented identification, intended or likely to deceive such importer, manufacturer, dealer, or collector with respect to any fact material to the lawfulness of the sale or other disposition of such firearm or ammunition under the provisions of this chapter.
3. A Firearm means any weapon "including a starter gun" which will, or is designed to, or may be readily converter to expel a projectile by the action of an explosive. The frame or receiver of any such weapon. Any firearm muffler or firearm silencer or any destructive device. Ammunition includes ammunition, cartridge cases, primers, bullets, or propellant powder designed for use in any firearm.
4. On January 25, 2025, your affiant, while working undercover at an El Paso Gun Show in the city and county of El Paso, located within the Western District of Texas, observed Brandon GARCIA walk into the gun show accompanied by other defendants. At the direction of a co-defendant who picked out the two rifles to buy, GARCIA proceeded to fill out the ATF form 4473 paperwork and purchase the rifles.

5. ATF agents and local and state law enforcement assigned to outside surveillance of the gun show witnessed GARCIA place the purchased rifles into the vehicle of another defendant before proceeding to walk away, enter his own vehicle, and leave the scene.
6. ATF agents subsequently arrested GARCIA. During a custodial recorded interview, he admitted to being recruited by a co-defendant to purchase firearms at the gun show for another person. GARCIA stated he agreed to make the firearm purchases in exchange for \$100.00 USD per firearm and acknowledged that he knew the firearms were intended for a third-party individual.
7. GARCIA completed an ATF Form 4473 "Firearms Transaction Record", in order to purchase the firearms. GARCIA answered "YES" on the ATF Form 4473 Section B.21.a, which states, "Are you the actual transferee/buyer of all the firearm(s) listed on this form and any continuation sheet(s) Warning: You are not the actual transferee/buyer if you are acquiring any of the firearm(s) on behalf of another person. If you are not the actual transferee/buyer, the licensee cannot transfer any of the firearm(s) to you." In Section B.22, GARCIA signed his name, attesting to the ATF Form 4473 statement, "I certify that my answers in Section B are true, correct, and complete. I have read and understand the Notices, Instructions, and Definitions on ATF Form 4473. I understand that answering "yes" to question 21.a. if I am not the actual transferee/buyer is a crime punishable as a felony under Federal law and may also violate State and/or local law. I understand that a person who answers "yes" to any of the questions 21.b. through 21.l. as well as 21.n is prohibited from receiving, possessing, or purchasing a firearm."
8. Your affiant has consulted with an ATF Interstate Nexus Expert who has advised your affiant that all firearms involved in this case have traveled in or affected interstate and/or foreign commerce.
9. In light of the above, your affiant submits that probable cause exists to arrest Brandon GARCIA for violations of Title 18, United States Code, Section 922(a)(6).